

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3411

By Delegates Hanshaw (Mr. Speaker), Gearheart,

Riley, and Rohrbach

[Introduced March 17, 2025; referred to the

Committee on Rules]

1 A BILL to amend and reenact §4-5-1 of the Code of West Virginia, 1931, as amended; to repeal
2 §4-7-1, §4-7-2, §4-7-3, §4-7-4, §4-7-5, §4-7-6, §4-7-7, §4-7-8, §4-7-9, §4-7-10 and §4-7-11
3 of said code; to amend and reenact §4-10-3 of said code; to repeal §4-10-4 of said code; to
4 amend and reenact §4-10-5, §4-10-6, §4-10-7, §4-10-9, §4-10-11 and §4-10-13 of said
5 code; to repeal §4-13-1, §4-13-2, §4-13-3, §4-13-4, §4-13-5, §4-13-6, and §4-13-7 of said
6 code; to amend and reenact §4-14-1 and §4-14-2 of said code; to repeal §4-14-3 of said
7 code; to repeal §4-15-1 of said code; to amend and reenact §5-24-3 of said code; to repeal
8 §5A-1-4 of said code; to amend and reenact §5A-1A-2 of said code; to amend and reenact
9 §5B-2B-2 of said code; to repeal §5B-2B-4a of said code; to repeal §5B-2B-7 of said code;
10 to amend and reenact §5B-2B-8 of said code; to amend and reenact §5B-3-2 of said code;
11 to repeal §12-6D-4 of said code; to repeal §15-9C-1, §15-9C-2, §15-9C-3, §15-9C-4, §15-
12 9C-5 and §15-9C-6 of said code; to amend and reenact §15A-12-3 of said code; to repeal
13 §16-29E-4 of said code; to amend and reenact §16-29E-5 and §16-29E-6 of said code; to
14 repeal §17-2B-1, §17-2B-2, §17-2B-3, §17-2B-4, §17-2B-5 and §17-2B-6 of said code; to
15 repeal §18B-14-1 and §18B-14-9 of said code; to repeal §21-5E-1, §21-5E-2, §21-5E-3,
16 §21-5E-4, §21-5E-5 and §21-5E-6 of said code; to repeal §22-26-5 of said code; to repeal
17 §29-1B-1, §29-1B-2, §29-1B-3, §29-1B-4, §29-1B-5, §29-1B-6 and §29-1B-7 of said code;
18 to amend and reenact §29-12-3 of said code; to amend and reenact §29A-3A-11 of said
19 code; and to repeal §31-20-26 of said code, relating to commissions; removing the
20 legislative members; and eliminating expired commissions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COMMISSION ON SPECIAL INVESTIGATIONS.

§4-5-1. Commission on Special Investigations continued; composition; appointment and terms of members.

1 The Commission on Special Investigations is continued. ~~The commission shall continue to~~
2 ~~be composed of the President of the Senate and four members of the Senate, to be appointed by~~

3 ~~the President of the Senate, no more than two of whom shall be from the same political party; and~~
4 ~~the Speaker of the House of Delegates and four members of the House of Delegates, to be~~
5 ~~appointed by the Speaker of the House of Delegates, no more than two of whom shall be~~
6 ~~appointed from the same political party: Provided, That in the event the membership of a political~~
7 ~~party is less than 15 percent in the House of Delegates or Senate, then the membership of that~~
8 ~~political party from the legislative house with less than 15 percent membership may be one from~~
9 ~~that house. The commission shall be chaired by the President of the Senate and the Speaker of~~
10 ~~the House of Delegates. All members appointed to the commission by the commission chairs~~
11 ~~serve until their successors are appointed as provided in this section.~~

ARTICLE 7. LEGISLATIVE BUILDING COMMISSION.

§4-7-1.

Definitions.

1 [Repealed.]

§4-7-2. Legislative building commission created; its composition; appointment of members; vacancies; election of officers; compensation and expenses of members.

1 [Repealed.]

§4-7-3. Powers and duties of commission generally.

1 [Repealed.]

§4-7-4. Commission granted power of eminent domain.

1 [Repealed.]

§4-7-5. Funds and expenditures of commission.

1 [Repealed.]

§4-7-6. Deposit and disbursement of funds of commission; security for deposits; audits.

1 [Repealed.]

§4-7-7. Contracts for construction of state legislative building, etc.; to be secured by bond; competitive bids required for contracts exceeding \$2,000; procedure.

1 [Repealed.]

§4-7-8. Management and control of state legislative building.

1 [Repealed.]

§4-7-9. Article not authority to create state debt.

1 [Repealed.]

§4-7-10. This article, article six, chapter five, and the state Constitution are only restrictions on construction, etc., of building.

1 [Repealed.]

§4-7-11. Severability.

1 [Repealed.]

ARTICLE 10. PERFORMANCE REVIEW ACT.**§4-10-3. Definitions.**

1 As used in this article, unless the context clearly indicates a different meaning:

2 ~~(a)~~ "Agency" or "state agency" means a state governmental entity, including any bureau,
3 department, division, commission, agency, committee, office, board, authority, subdivision,
4 program, council, advisory body, cabinet, panel, system, task force, fund, compact, institution,
5 survey, position, coalition or other entity in the state of West Virginia.

6 ~~(b)~~ "Agency review" means a review performed on an agency at the direction of the
7 President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint
8 standing committee pursuant to the provisions of this article.

9 ~~(c)~~ "Committee" means the Joint Standing Committee on Government ~~Operations.~~
10 Organization.

11 ~~(d)~~ "Compliance review" means a review for compliance with recommendations contained
12 in a previous agency review or regulatory board review conducted pursuant to the provisions of
13 this article and may include further inquiry of other issues as directed by the President, the
14 Speaker, the committee, ~~the joint standing committee,~~ or the Joint Committee on Government and
15 Finance.

(e) "Department" means the departments created within the executive branch, headed by a secretary appointed by the Governor, as authorized by the Code of West Virginia.

(f) "Department presentation" means a presentation by a department pursuant to the provisions of this article made at the direction of the President of the Senate or the Speaker of the House of Delegates.

(g) "Division" means the Performance Evaluation and Research Division, the Post Audit Division, or any division of the Legislative Auditor's Office.

~~(h) "Joint standing committee" means the Joint Standing Committee on Government Organization.~~

(i) "Privatize" means a contract to procure the services of a private vendor to provide a service that is similar to, or in lieu of, a service provided by a state agency.

(j) "Regulatory Board" means a board that regulates professions and occupations, created under the provisions of chapter 30 of this code.

~~(k) "Regulatory Board Review" means a review performed on a regulatory board pursuant to the provisions of this article.~~

§4-10-4. Joint Committee on Government Operations.

[Repealed.]

§4-10-5. Powers and duties of the committee. and ~~joint standing committee.~~

(a) To carry out the duties set forth in this article, the committee, ~~or the joint standing committee,~~ any authorized employee of the committee, ~~the joint standing committee,~~ the Legislative Auditor or any employee of the division working at the direction of the committee ~~or the joint standing committee,~~ shall have access, including copying, to all records of every state agency in West Virginia.

(b) When furnishing information, agencies shall provide the information in the format in which it is requested, if the request is specific as to a preferred format.

(c) The committee ~~or the joint standing committee~~ may hold public hearings in furtherance

9 of the purposes of this article, at such times and places within the state as desired. A member of
10 the committee ~~or the joint standing committee~~ may administer oaths to persons testifying at such
11 hearings or meetings.

12 (d) The committee ~~or the joint standing committee~~ may issue a subpoena, with the
13 signature of either cochair of the committee ~~or the joint standing committee~~ and served in the
14 manner provided by law, to summon and compel the attendance of witnesses and their
15 examination under oath and the production of all books, papers, documents and records
16 necessary or convenient to be examined and used by the committee ~~or joint standing committee~~ in
17 the performance of its duties.

18 (e) If any witness subpoenaed to appear at any hearing or meeting refuses or fails to
19 appear or to answer questions put to him or her, or refuses or fails to produce books, papers,
20 documents or records within his or her control when the same are demanded, the committee ~~or the~~
21 ~~joint standing committee~~, in its discretion, may enforce obedience to its subpoena by attachment,
22 fine or imprisonment, as provided in article one of this chapter, or may report the facts to the circuit
23 court of Kanawha County or any other court of competent jurisdiction and the court shall compel
24 obedience to the subpoena as though it had been issued by the court.

25 (f) Witnesses subpoenaed to attend hearings or meetings pursuant to the provisions of this
26 article, except officers or employees of the state, shall be allowed the same mileage and per diem
27 as is allowed witnesses before any petit jury.

28 (g) The committee ~~or the joint standing committee~~, subject to the approval of the Joint
29 Committee on Government and Finance, may employ such persons as it considers necessary to
30 carry out the duties and responsibilities under this article and may contract for outside expertise in
31 conducting reviews.

32 (h) The committee ~~or the joint standing committee~~ may collect, and the agency or
33 regulatory board shall promptly pay, the costs associated with conducting the reviews performed
34 under this article, upon presentation of a statement for the costs incurred. All money received by

the committee or the joint standing committee from this source shall be expended only for the purpose of covering the costs associated with such services, unless otherwise directed by the Legislature.

§4-10-6. Department presentation; timing and scope.

(a) At the direction of the President of the Senate or the Speaker of the House of Delegates, and upon notification from the division, a department shall prepare and make a presentation to the joint standing committee and the committee. The purpose of the presentation is to inform the Legislature as to the programs, activities, and financial situation of the department and to update and amend any information previously presented to the joint standing committee or committee pursuant to this section. The presentation shall include:

(1) A departmental chart designating each agency under the purview of the department;

(2) An analysis of the department's internal performance measures and self-assessment systems; and

(3) For each agency under the purview of the department, the following:

(A) The mission, goals, and functions of the agency;

(B) The statutory or other legal authority under which the agency operates;

(C) The number of employees of the agency for the immediate past 10 years;

(D) The budget for the agency for the immediate past 10 years;

(E) Any potential or actual loss of revenue due to operations, changes in law, or any other reason;

(F) The extent to which the agency has operated in the public interest;

(G) The extent to which the agency has complied with state personnel practices, including affirmative action requirements;

(H) The extent to which the agency has encouraged public participation in the making of its rules and decisions and has encouraged interested persons to report to it on the impact of its rules and decisions on the effectiveness, economy, and availability of services that it has provided;

(I) The efficiency with which public inquiries or complaints regarding the activities of the agency have been processed and resolved;

(J) The extent to which statutory, regulatory, budgeting, or other changes are necessary to enable the agency to better serve the interests of the public and to comply with the factors enumerated in this subsection; and

(K) A recommendation as to whether the agency should be continued, consolidated, or terminated.

§4-10-7.

Agency

review.

(a) The division shall conduct agency reviews of one or more state agencies each year. An agency review shall be conducted of each state agency at least once every 15 years. An agency review may be conducted more frequently than once in 15 years and may be conducted in the discretion, and at the direction, of the President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint standing committee.

(b) The agency review may include, but is not limited to:

(1) An identification and description of the agency under review;

(2) The number of employees of the agency for the immediate past 10 years;

(3) The budget for the agency for the immediate past 10 years;

(4) Whether the agency is effectively and efficiently carrying out its statutory duties or exercising its legal authority;

(5) Whether the activities of the agency duplicate or overlap with those of other agencies and, if so, how these activities could be consolidated;

(6) A cost-benefit analysis, as described in subsection (d) of this section, on state services that are privatized or contemplated to be privatized;

(7) An assessment of the utilization of information technology systems within the agency, including interagency and intra-agency communications;

(8) An analysis of any issues raised by any presentation by the department under whose

purview the agency falls made pursuant to the provisions of this article;

(9) An analysis of any other issues as the committee, ~~the joint standing committee~~, the President of the Senate, or the Speaker of the House of Delegates may direct; and

(10) A recommendation as to whether the agency under review should be continued, consolidated, or terminated.

(c) An agency may be subject to a compliance review pursuant to the provisions of this article.

(d) A cost-benefit analysis authorized by this section may include:

(1) The tangible benefits of privatizing the service;

(2) Any legal impediments that may limit or prevent privatization of the service;

(3) The availability of multiple qualified and competitive private vendors; and

(4) A cost comparison, including total fixed and variable, direct and indirect, costs of the current governmental operation and the private vendor contract.

§4-10-9. Regulatory board review.

(a) The division shall conduct regulatory board reviews on each regulatory board to ascertain if there is a need for the continuation, consolidation, or termination of the regulatory board as one of its duties.

(b) A regulatory board review shall be performed on each regulatory board at least once every 12 years. A regulatory board may be subject to a compliance review pursuant to the provisions of this article.

(c) When a new regulatory board is created, a date for a regulatory board review shall be included in the act that creates the board, within 12 years of the effective date of the act.

(d) The regulatory board review may include:

(1) Whether the board complies with the policies and provisions of chapter 30 of this code and other applicable laws and rules;

(2) Whether the board follows a disciplinary procedure which observes due process rights

and protects the public interest;

(3) Whether the basis or facts that necessitated the initial licensing or regulation of a profession or occupation have changed, or other conditions have arisen that would warrant increased or decreased regulation;

(4) Whether the composition of the board adequately represents the public interest and whether the board encourages public participation in its decisions rather than participation only by the industry and individuals it regulates;

(5) Whether statutory changes are necessary to improve board operations to enhance the public interest;

(6) An analysis of any other issues the committee, ~~the joint standing committee~~, the President of the Senate, the Speaker of the House of Delegates, or by recommendation of the joint standing committee.

(7) A recommendation as to whether the regulatory board under review should be continued, consolidated, or terminated.

§4-10-11. Compliance review.

(a) After an agency review or a regulatory board review, if the committee ~~or the joint standing committee~~ finds that an agency or a regulatory board needs further review, then the committee ~~or the joint standing committee~~ may request a compliance review.

(b) If the committee ~~or the joint standing committee~~ requests a compliance review for an agency or a regulatory board, then it must state, in writing, the specific reasons for the compliance review and its expected completion date.

§4-10-13. Disposition of agency or regulatory board assets, equipment and records after termination.

(a) On or before June 30 of the wind-up year, the terminated agency or regulatory board shall file a written statement with the Secretary of the Department of Administration and the division describing the disposition of its funds, assets, equipment and records.

4 (b) The division shall review the statement of the terminated agency or regulatory board
5 and report the results of its review to the committee. ~~and the joint standing committee.~~

6 (c) Any unexpended funds of the terminated agency or regulatory board shall revert to the
7 fund from which they were appropriated or, if that fund is abolished, to the General Revenue Fund.

8 (d) All remaining assets and equipment of a terminated agency or regulatory board shall be
9 transferred to the secretary of the department of which it was a part or to the state agency for
10 surplus property in the Department of Administration.

11 (e) The records of a terminated agency or regulatory board shall be deposited with the
12 Department of Administration.

ARTICLE 13. WEST VIRGINIA SESQUICENTENNIAL OF THE AMERICAN CIVIL WAR
COMMISSION AND FUND.

§4-13-1. Findings; West Virginia Sesquicentennial of the American Civil War Commission
established; purpose.

1 [Repealed.]

§4-13-2. Membership; terms; filling vacancies; election of chair and vice chair.

1 [Repealed.]

§4-13-3. Expense reimbursement.

1 [Repealed.]

§4-13-4. Quorum; meetings.

1 [Repealed.]

§4-13-5. Advisory council.

1 [Repealed.]

§4-13-6. Powers; duties; limitation on duration of contracts.

1 [Repealed.]

§4-13-7. Termination of the commission.

1 [Repealed.]

**ARTICLE 14. LEGISLATIVE OVERSIGHT COMMISSION ON DEPARTMENT OF
TRANSPORTATION ACCOUNTABILITY.**

§4-14-1. Findings, purpose and intent.

1 (a) The Legislature hereby finds and declares that:

2 (1) Investment in infrastructure is crucial to the well-being of West Virginians and West
3 Virginia businesses;

4 (2) The state must spend funds wisely on infrastructure in order to get the best return on
5 investment and must make long-term plans for investment;

6 (3) The federal government is an unpredictable and unreliable partner in providing
7 consistent funding for infrastructure investment;

8 (4) The Legislature directed a Division of Highways performance and efficiency audit in
9 2015; and

10 (5) In order to maintain proper oversight to ensure that sufficient transportation planning is
11 made, funds are spent wisely and efficiently, and the Department of Transportation is functioning
12 appropriately, it shall report to the Legislative Oversight Commission on Department of
13 Transportation Accountability. ~~is hereby created.~~

14 (b) It is the intent of the Legislature that all actions taken pursuant to the provisions of this
15 article by the Legislature and the Department of Transportation serve the following core set of
16 principles:

17 (1) That all Department of Transportation infrastructure investments be coordinated to
18 maximize efficiencies and minimize cost thereby addressing the needs of the citizens more
19 effectively;

20 (2) That communication be facilitated among the various agencies within the Department
21 of Transportation and between the department and the Legislature;

(3) That policy changes, not made by legislative rule, be discussed with the commission for purposes of coordinating those policies with stated goals;

(4) That programs or policies implemented in accordance with federal mandates be communicated to the commission;

(5) That in developing and implementing programs with private or federal grant moneys, the various agencies communicate their efforts to the commission to ensure and facilitate future state funding; and

(6) That any Department of Transportation agencies exempted from rule-making review by federal or state statutes advise the commission of program changes which may affect infrastructure investment in West Virginia.

§4-14-2. Definitions.

As used in this article:

(1) "Agency" means each agency, authority, board, committee, commission or division of the Department of Transportation;

(2) "Commission" means the Legislative Oversight Commission on Transportation Accountability; ~~as created in section three of this article~~; and

(3) "Department" means the Department of Transportation.

§4-14-3. Creation of a Legislative Oversight Commission on Department of Transportation Accountability.

[Repealed.]

ARTICLE 15. JOINT LEGISLATIVE COMMITTEE ON FLOODING.

§4-15-1. Establishing a Joint Legislative Committee on Flooding.

[Repealed.]

CHAPTER 5. GENERAL POWERS AND AUTHORITY OF THE GOVERNOR, SECRETARY OF STATE AND ATTORNEY GENERAL;

**BOARD OF PUBLIC WORKS; MISCELLANEOUS AGENCIES,
COMMISSIONS, OFFICES, PROGRAMS, ETC.**

ARTICLE 24. WEST VIRGINIA FOREST MANAGEMENT REVIEW COMMISSION.

§5-24-3. Commission continued; composition; appointment of members.

1 The West Virginia Forest Management Review Commission ~~heretofore created~~ is hereby
2 continued for the purposes set forth in this article. This commission shall be comprised of five
3 ~~members from the West Virginia Senate, a cochairman and four members to be appointed by the~~
4 ~~Senate president, and five members of the House of Delegates, a cochairman and four members~~
5 ~~to be appointed by the speaker;~~ four members to be representatives from the commercial forest
6 industry in the state, and three members of the public-at-large. The ~~seven nonlegislative members~~
7 shall be appointed by the Governor, with the advice and consent of the Senate. ~~Two members~~
8 ~~shall be appointed to serve a term of two years; three members shall be appointed to serve a term~~
9 ~~of four years; and two members shall be appointed to serve a term of six years.~~ The successor of
10 each such appointed member shall be appointed for an overlapping term of six years, except that
11 any person appointed to fill a vacancy occurring prior to the expiration of the term for which the
12 predecessor was appointed shall be appointed only to the remainder of such term. Each board
13 member shall serve until the appointment of his or her successor.

CHAPTER 5A. DEPARTMENT OF ADMINISTRATION.

ARTICLE 1. DEPARTMENT OF ADMINISTRATION.

§5A-1-4. Council of finance and administration.

1 [Repealed.]

ARTICLE 1A. EMPLOYEE SUGGESTION AWARD BOARD.

§5A-1A-2. Board created; term of members.

1 There is continued an employee suggestion award board which shall be composed of the
2 Secretary of Administration or his or her designee, Governor's Chief Technology Officer or his or

3 her designee, ~~the President of the Senate or his or her designee, the Speaker of the House of~~
 4 ~~Delegates or his or her designee, two members of the House of Delegates from different political~~
 5 ~~parties to be appointed by the Speaker of the House of Delegates, two members of the Senate~~
 6 ~~from different political parties to be appointed by the President of the Senate, and the Secretary of~~
 7 ~~the Department of Human Services, or his or her designee. and three members to be~~
 8 ~~representatives state government employees appointed by the Governor.~~ The terms of the
 9 members of the board shall be consistent with the terms of the offices to which they have been
 10 elected or appointed or established by the Governor.

CHAPTER 5B. ECONOMIC DEVELOPMENT ACT OF 1985.

ARTICLE 2B. WEST VIRGINIA WORKFORCE INVESTMENT ACT.

§5B-2B-2. Definitions.

1 As used in this article, the following terms have the following meanings, unless the context
 2 clearly indicates otherwise:

3 "Board" means the West Virginia Workforce Development Board.

4 "Commission" or "Legislative Oversight Commission" means the Legislative Oversight
 5 Commission on Workforce Investment for Economic Development. ~~created pursuant to section~~
 6 ~~seven of this article.~~

7 "Local area" means a local workforce investment area.

8 "Local board" means a local workforce development board.

9 "Team" means the workforce investment interagency collaborative team.

10 "WIOA" means the Workforce Innovation and Opportunity Act, 29 U. S. C. §3101, *et seq.*

§5B-2B-4a. Report to Legislature.

1 [Repealed.]

§5B-2B-7. Legislative oversight commission on workforce investment for economic development.

[Repealed.]

§5B-2B-8. Powers and duties of the commission.

(a) The commission shall make a continued investigation, study and review of the practices, policies and procedures of the workforce investment strategies and programs implemented in the state.

(b) The commission has the authority to conduct or cause to be conducted performance audits upon local workforce investment boards.

~~(c) For purposes of carrying out its duties, the commission is hereby empowered and authorized to examine witnesses and to subpoena persons, books, records, documents, papers or any other tangible things it believes should be examined to make a complete investigation. All witnesses appearing before the commission shall testify under oath or affirmation, and any member of the commission may administer oaths or affirmations to witnesses. To compel the attendance of witnesses at hearings or the production of any books, records, documents, papers or any other tangible things, the commission is hereby empowered and authorized to issue subpoenas, signed by one of the chairpersons, in accordance with section five, article one, chapter four of this code. Subpoenas are to be served by any person authorized by law to serve and execute legal process and service is to be made without charge. Witnesses subpoenaed to attend hearings are to be allowed the same mileage and per diem as are allowed witnesses before any petit jury in this state. If any person subpoenaed to appear at any hearing refuses to appear or to answer inquiries there propounded, or fails or refuses to produce books, records, documents, papers or other tangible things within his or her control when they are demanded, the commission shall report the facts to the circuit court of Kanawha County or any other court of competent jurisdiction and the court may compel obedience to the subpoena as though the subpoena had been issued by the court in the first instance.~~

ARTICLE 3. WEST VIRGINIA ECONOMIC DEVELOPMENT STRATEGY: A VISION

SHARED.**§5B-3-2. Creation of the The Joint Commission on Economic Development.**

1 (a) ~~The joint commission on economic development is hereby established. The~~
2 ~~commission shall be composed of not more than twenty-four members as follows:~~

3 ~~(1) The chairs of the Senate and House of Delegates finance committees;~~

4 ~~(2) The chairs of the Senate and House of Delegates judiciary committees;~~

5 ~~(3) The chairs of the Senate and House of Delegates education committees;~~

6 ~~(4) Not more than nine additional members of the Senate appointed by the President of the~~
7 ~~Senate, with at least one member representing health; and~~

8 ~~(5) Not more than nine additional members of the House of Delegates appointed by the~~
9 ~~Speaker of the House of Delegates, with at least one member representing health.~~

10 ~~(b) Any vacancies occurring in the membership of the commission shall be filled in the~~
11 ~~same manner as the original appointment for the position being vacated. The vacancy shall not~~
12 ~~affect the power of the remaining members to perform the duties of the commission.~~

13 ~~(c) The commission may explore how West Virginia can:~~

14 (1) Invest in systems that build workforce skills and promote lifelong learning to ensure a
15 competitive workforce;

16 (2) Enhance the infrastructure, communications and transportation needed to support the
17 knowledge-based industries and electronic commerce;

18 (3) Reorganize government to deliver services more efficiently, using technology,
19 privatization and partnerships with the private sector;

20 (4) Align state tax systems to meet the demands of the twenty-first century economy;

21 (5) Develop more uniform regulatory and tax systems to reduce complexity, eliminate
22 market distortions and better protect consumers;

23 (6) Support entrepreneurs by streamlining business regulations, providing timely decisions
24 and assisting firms in their search for venture capital;

- 25 (7) Promote university policies that encourage research and development and build
26 intellectual infrastructure;
- 27 (8) Address quality-of-life concerns to attract new businesses and workers; and
- 28 (9) Accomplish the goals set forth in this article and any other goal related to economic
29 development or workforce investment that the commission considers important.
- 30 ~~(d)~~(b) The commission may propose legislation necessary to accomplish its goals.

CHAPTER 12. PUBLIC MONEYS AND SECURITIES.

ARTICLE 6D. WEST VIRGINIA ENTERPRISE RESOURCE PLANNING BOARD.

§12-6D-4. Steering Committee created; powers and authority.

1 [Repealed.]

CHAPTER 15. PUBLIC SAFETY.

ARTICLE 9C. WEST VIRGINIA SENTENCING COMMISSION.

§15-9C-1. Legislative findings.

1 [Repealed.]

§15-9C-2. Creation of Sentencing Commission; purpose; composition.

1 [Repealed.]

§15-9C-3. Powers and duties of the commission.

1 [Repealed.]

§15-9C-4. Objectives of the commission.

1 [Repealed.]

§15-9C-5. Recommendations to Legislature.

1 [Repealed.]

§15-9C-6. Sunset.

1 [Repealed.]

CHAPTER 15A. DEPARTMENT OF HOMELAND SECURITY.

ARTICLE 12. WEST VIRGINIA FUSION CENTER.**§15A-12-3. Joint Oversight Committee.**

1 ~~(a) The Speaker of the House of Delegates and President of the Senate shall establish a~~
2 ~~select committee which shall have oversight of the information collected by the West Virginia~~
3 ~~Fusion Center to ensure the proper collection, dissemination, storage, and destruction of~~
4 ~~information or intelligence. The committee shall be composed of: (1) The Speaker of the House of~~
5 ~~Delegates and four members of the House of Delegates, to be appointed by the Speaker of the~~
6 ~~House of Delegates, no more than two of whom shall be appointed from the same political party;~~
7 ~~and (2) the President of the Senate and four members of the Senate, to be appointed by the~~
8 ~~President of the Senate, no more than two of whom shall be from the same political party; and~~
9 ~~counsel and staff to the Speaker and the Senate President: *Provided*, That in the event the~~
10 ~~membership of a political party is less than 15 percent in the House of Delegates or Senate, then~~
11 ~~the membership of that political party from the legislative house with less than 15 percent~~
12 ~~membership may be one from that house. The committee shall be chaired by the President of the~~
13 ~~Senate and the Speaker of the House of Delegates. All members appointed to the select~~
14 ~~committee by the select committee chairs serve until their successors are appointed as provided in~~
15 ~~this section. The select committee members, counsel, and staff must have the appropriate security~~
16 ~~clearance in order to obtain information that is classified and shall be subject to the same rules,~~
17 ~~regulations, and laws as the employees of the West Virginia Fusion Center for safeguarding both~~
18 ~~classified and law-enforcement sensitive information or intelligence. These select committee~~
19 ~~members, counsel, and staff shall be advised of the restrictions and protocol for handling such~~
20 ~~information or intelligence and shall sign a statement of understanding as well as a confidentiality~~
21 ~~agreement.~~

22 (b) Members of the ~~select~~ committee may enter and inspect the West Virginia Fusion
23 Center at any time staff is present with ~~select~~ committee counsel and staff, with or without notice to
24 the West Virginia Fusion Center.

(c) Meetings of the ~~select~~ committee shall be confidential and the information and materials, in any medium, including hard copy and electronic, coming to the attention of or placed in the custody of the ~~Select~~ committee shall not be subject to the West Virginia Freedom of Information Act as set forth in §29B-1-1 *et seq.* of this code.

(d) The ~~select~~ committee may conduct proceedings in a confidential executive session for the purpose of conducting business, establishing policy, reviewing investigations, and interrogating a witness or witnesses.

(e) ~~All witnesses appearing before the select committee shall testify under oath or affirmation, and any member of the select committee or its counsel may administer oaths or affirmations to such witnesses.~~ To compel witnesses to attend a hearing or produce any books, records, documents, or papers, or any other tangible thing except where the records, documents, data, or items are protected from disclosure by privilege recognized by state or federal courts, the select committee may issue subpoenas, signed by one of the co-chairs: *Provided*, That the select committee may specifically authorize or delegate the power to any member of the select committee to sign subpoenas on its behalf. The subpoenas shall be served by any person authorized by law to serve and execute legal process, and service shall be made without charge. Witnesses subpoenaed to attend hearings shall be allowed the same mileage and per diem as is allowed witnesses before any petit jury in this state.

(f) If any person subpoenaed to appear at any hearing shall refuse to appear or to answer inquiries there propounded, or shall fail or refuse to produce books, records, documents, papers, or any other tangible thing within his or her control when the same are demanded, the select committee shall report the facts to the circuit court of Kanawha County or any other court of competent jurisdiction and that court may compel obedience to the subpoena as though the subpoena had been issued by that court in the first instance: *Provided*, That prior to seeking circuit court relief, the ~~select~~ committee may, in its discretion, first demand the Secretary of Homeland Security or the director of the West Virginia Fusion Center under whom an employee has failed to

51 appear or which has failed to produce requested or subpoenaed material to appear before the
 52 select committee and address the basis for the failure to comply and whether compliance will be
 53 forthcoming.

54 (g) The select committee may direct the West Virginia Fusion Center to send its budgetary
 55 accounting to the State Auditor: *Provided*, That if budgetary expenditures are classified, or
 56 security or law enforcement sensitive such that disclosure would compromise an investigation,
 57 those entry descriptions, but not the expenditure amounts, may be redacted from the West Virginia
 58 Fusion Center accounting provided to the State Auditor: *Provided, however*, That the State Auditor
 59 shall bring any accounting issues of concern to the attention of the select committee, upon which
 60 the select committee shall subpoena the West Virginia Fusion Center for unredacted copies of the
 61 accounting items to be presented for explanation and justification of the necessity and legality of
 62 the concerns raised by the State Auditor. The select committee may take whatever action it deems
 63 necessary, if any, after review and analysis of the subpoenaed unredacted materials.

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 29E. LEGISLATIVE OVERSIGHT COMMISSION ON HEALTH AND HUMAN RESOURCES ACCOUNTABILITY.

§16-29E-4. Creation of a Legislative Oversight commission on health and human resources accountability.

1 [Repealed.]

§16-29E-5. Powers and duties of commission.

1 (a) The powers, duties, and responsibilities of the commission shall include the following:

2 (1) Make a continuing investigation, study and review of the practices, policies and
 3 procedures of the health care and social services agencies in this state;

4 (2) Make a continuing investigation, study and review of all matters related to health and
 5 social policy in the state;

(3) Review program development by the various agencies of the Department of Health and Human Resources;

(4) Conduct studies on health and human services;

(5) Review and study the state Medicaid program in order to determine if the state Medicaid agency, as the payor of last resort, is expending maximum effort to identify alternate private insurance resources for Medicaid beneficiaries;

(6) Review and study the feasibility and financial impact upon the state by ensuring increased access for Medicaid beneficiaries to primary health care in the nonhospital setting by requiring enrollment in a primary care clinic program, if available;

(7) Review and study the feasibility and financial impact upon the state of the establishment of different and lesser schedules of payment for primary health services delivered by a hospital emergency room as compared to the schedule of payments for emergency room services of a true medical emergency nature;

(8) Evaluation of the adequacy and availability of care delivery networks throughout the health care continuum from primary care to postmortem settings; and

(9) Make a continuing investigation, study, and review of all matters related to any area of concern that exists within the Department of Health and Human Resources, and any successor agencies, including, but not limited to, financial, administrative, programmatic, and systemic issues.

(b) The commission shall make annual reports to the Legislature regarding the results of all investigations, studies and reviews pursuant to §16-29E-7 of this code.

§16-29E-6. Examination and subpoena powers; contempt proceedings.

(a) For purposes of carrying out its duties, the commission is hereby empowered and authorized to examine witnesses and to subpoena such persons and books, records, documents, papers or any other tangible things as it believes should be examined to make a complete investigation.

5 (b) All witnesses appearing before the commission under subpoena shall testify under oath
6 or affirmation. Any member of the commission may administer oaths or affirmations to such
7 witnesses.

8 (c) To compel the attendance of witnesses at such hearings or the production of any books,
9 records, documents, papers or any other tangible thing, the commission is hereby empowered and
10 authorized to issue subpoenas, signed by one of the cochairpersons, in accordance with section
11 five, article one, chapter four of this code. Such subpoenas shall be served by any person
12 authorized by law to serve and execute legal process and service shall be made without charge.
13 Witnesses subpoenaed to attend hearings shall be allowed the same mileage and per diem as is
14 allowed witnesses before any petit jury in this state.

15 (d) If any person subpoenaed to appear at any hearing shall refuse to appear or to answer
16 inquiries there propounded, or shall fail or refuse to produce books, records, documents, papers or
17 any other tangible thing within his or her control when the same are demanded, the commission
18 shall report the facts to the circuit court of Kanawha County or any other court of competent
19 jurisdiction and such court may compel obedience to the subpoena as though such subpoena had
20 been issued by such court in the first instance.

CHAPTER 17. ROADS AND HIGHWAYS.

ARTICLE 2B. TOLL ROAD STUDY COMMISSION.

§17-2B-1. Legislative findings and purposes.

1 [Repealed.]

§17-2B-2. Toll road study commission created; composition; appointment of members; chairman.

1 [Repealed.]

§17-2B-3. Compensation and expenses of commission members; expenses of commission.

1 [Repealed.]

§17-2B-4. Powers and duties of the commission.

1 [Repealed.]

§17-2B-5. Meetings of the commission; quorum.

1 [Repealed.]

§17-2B-6. Interpretation of article; termination of commission.

1 [Repealed.]

CHAPTER 18B. HIGHER EDUCATION.

ARTICLE

14.

MISCELLANEOUS.

§18B-14-1. Select committee on outcomes-based funding models in higher education.

1 [Repealed.]

§18B-14-9. Legislative findings; establishment of study committee; membership; recommendations on higher education facilities.

1 [Repealed.]

CHAPTER 21. LABOR

ARTICLE 5E. EQUAL PAY FOR EQUAL WORK FOR STATE EMPLOYEES.

§21-5E-1. Legislative findings and purpose.

1 [Repealed.]

§21-5E-2. Definitions.

1 [Repealed.]

§21-5E-3. Discrimination between sexes in payment of wages for work of comparable character prohibited.

1 [Repealed.]

§21-5E-4. Employee's right of action against employer.

1 [Repealed.]

§21-5E-5. Establishment of the Equal Pay Commission; appointment of members.

1 [Repealed.]

§21-5E-6. Commission's duties; promulgation of rules.

1 [Repealed.]

CHAPTER 22. ENVIRONMENTAL RESOURCES.**ARTICLE 26. WATER RESOURCES PROTECTION ACT.****§22-26-5. Joint Legislative Oversight Commission on State Water Resources.**

1 [Repealed.]

CHAPTER 29. MISCELLANEOUS BOARDS AND OFFICERS.**ARTICLE 1B. COMMISSION ON INTERSTATE COOPERATION.****§29-1B-1. Senate committee on interstate cooperation.**

1 [Repealed.]

§29-1B-2. House committee on interstate cooperation.

1 [Repealed.]

§29-1B-3. West Virginia commission on interstate cooperation.

1 [Repealed.]

§29-1B-4. Terms of Senate and House committees.

1 [Repealed.]

§29-1B-5. Function of commission.

1 [Repealed.]

§29-1B-6. Commission may establish delegations and committees.

1 [Repealed.]

§29-1B-7. Names of committees and commission.

1 [Repealed.]

ARTICLE 12. STATE INSURANCE.

§29-12-3. State Board of Risk and Insurance Management; creation, composition, qualifications, and compensation.

(a)(1) The "State Board of Insurance of West Virginia" is hereby reestablished, reconstituted and continued as the State Board of Risk and Insurance Management. The board shall be composed of five members. One member shall be the vice chancellor of health sciences of the West Virginia Higher Education Policy Commission. The remaining four members shall be appointed by the Governor with the advice and consent of the Senate. ~~One member shall be appointed by the Governor from a list of three eligible persons submitted to the Governor by the President of the Senate, and one member shall be appointed by the Governor from a list of three eligible persons submitted to the Governor by the Speaker of the House of Delegates.~~ Each member shall be a resident of West Virginia and shall have experience in one or more of the following areas: law, accounting, business, insurance, or actuarial science.

(2) Initial appointment of the members other than the vice chancellor for health sciences shall be for the following terms:

One member shall be appointed for a term ending June 30, 2003;

One member shall be appointed for a term ending June 30, 2004;

One member shall be appointed for a term ending June 30, 2005; and

One member shall be appointed for a term ending June 30, 2006.

(3) Except for appointments to fill vacancies, each subsequent appointment shall be for a term ending June 30 of the fourth year following the year the preceding term expired. In the event a vacancy occurs it shall be filled by appointment for the unexpired term. A member whose term has expired shall continue in office until a successor has been duly appointed and qualified. No member of the board may be removed from office by the Governor except for official misconduct, incompetency, neglect of duty, or gross immorality.

~~(4) Members of the board appointed prior to the reenactment of this article during the sixth extraordinary session of the 2001 Legislature, shall serve until December 15, 2001.~~

(b) The Insurance Commissioner of West Virginia shall serve as secretary of the board without vote and shall make available to the board the information, facilities and services of the office of the state Insurance Commissioner.

(c) The members of the board shall receive from the executive director of the board the same compensation authorized by law for members of the Legislature for the interim duties for each day, or portion thereof, the member is engaged in the discharge of official duties. All board members shall be reimbursed for their actual and necessary expenses incurred in the discharge of official duties, except that mileage shall be reimbursed at the same rate as that authorized for members of the Legislature.

(d) Notwithstanding any provision of this section to the contrary, the board is subject to the provisions of section twelve of this article.

CHAPTER 29A. STATE ADMINISTRATIVE PROCEDURES ACT.

ARTICLE 3A. HIGHER EDUCATION RULE MAKING.

§29A-3A-11. Creation of a legislative oversight commission on education accountability.

~~(a) There is hereby created a joint commission of the Legislature known as the Legislative Oversight Commission on Education Accountability to review all legislative rules of the agency and other rules as the commission deems appropriate. The commission shall be composed of six members of the Senate appointed by the President of the Senate and six members of the House of Delegates appointed by the Speaker of the House of Delegates. No more than five of the six members appointed by the President of the Senate and the Speaker of the House of Delegates, respectively, may be members of the same political party. In addition, the President of the Senate and the Speaker of the House of Delegates shall be ex officio nonvoting members of the commission and shall designate the co-chairs. At least one of the Senate members and one of the House members shall be members of the committee on education of the Senate and House, respectively, and at least one of the Senate members and at least one of the House members shall~~

~~be a member of the committee on finance of the Senate and House, respectively. The members shall serve until their successors have been appointed as heretofore provided. Members of the commission shall receive compensation and expenses as provided in §4-2A-1 et seq. of this code. Those expenses and all other expenses, including those incurred in the employment of legal, technical, investigative, clerical, stenographic, advisory, and other personnel shall be paid from an appropriation to be made expressly for the Legislative Oversight Commission on Education Accountability, but if no such appropriation is made, the expenses shall be paid from the appropriation under "Account No. 103 for Joint Expenses", but no expense of any kind whatever payable under the account for joint expenses shall be incurred unless first approved by the Joint Committee on Government and Finance. The commission shall meet at any time, both during sessions of the Legislature and in the interim.~~

(b) The commission may adopt rules of procedure as it considers necessary for the submission, presentation, and consideration of rules.

CHAPTER 31. CORPORATIONS.

ARTICLE 20. WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY

AUTHORITY.

§31-20-26. Legislative oversight committee.

[Repealed.]

NOTE: The purpose of this bill generally relates to commissions. The bill removes the legislative members. Finally, the bill eliminates expired commissions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.